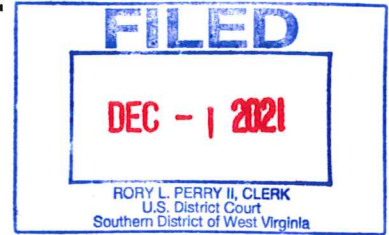


SEALED

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON GRAND JURY 2021
DECEMBER 1, 2021 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:21-cr-249

26 U.S.C. § 5861(d)
26 U.S.C. § 5861(f)
26 U.S.C. § 5871

JOSEPH DAVID BAILEY

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

On or about December 24, 2020, at or near Spencer, Roane County, West Virginia, and within the Southern District of West Virginia, defendant JOSEPH DAVID BAILEY did knowingly possess a firearm, that is, a pipe bomb, a destructive device as defined by 26 U.S.C. §§ 5845(a)(8) and 5845(f)(1), and which was not registered to him in the National Firearms Registration and Transfer Record, as required by 26 U.S.C. § 5841.

In violation of Title 26, United States Code, Sections 5861(d) and 5871.

COUNT TWO

On or about December 24, 2020, at or near Spencer, Roane County, West Virginia, and within the Southern District of West Virginia, defendant JOSEPH DAVID BAILEY did knowingly make a firearm, that is, a pipe, which is a destructive device as defined by 26 U.S.C. §§ 5845(a)(8) and 5845(f)(1), and which was not registered to him in the National Firearms Registration and Transfer Record, as required by 26 U.S.C. § 5841.

In violation of Title 26, United States Code, Sections 5861(f) and 5871.

NOTICE OF FORFEITURE

The allegations contained in Count One and Count Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Rule 32.2 of Federal Criminal Procedure, 18 U.S.C. §§ 844(c), 981, 982, as well as 49 U.S.C. § 80303, 26 U.S.C. § 5872 and 28 U.S.C. § 2461. Pursuant to 18 U.S.C. §§ 844(c), 981, 982, as well as 49 U.S.C. § 80303, 26 U.S.C. § 5872 and 28 U.S.C. § 2461 upon the conviction of an offense in violation of 26 U.S.C. §§ 5861(d)-(f) and 5871, the defendant JOSEPH DAVID BAILEY shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offenses and any property used, intended to be used, in any manner or part, to commit or to facilitate the commission of the offense, including but not limited to:

- 1) One destructive device containing a plastic cylinder, suspected explosive mixture containing M-80 fireworks and gunpowder, with a fuse sticking out of the device;
- 2) Powder removed from plastic cylinder;
- 3) Five plastic pipe fragments in various stages of completion towards suspected destructive devices;
- 4) An approximately 70 inch brown, Visco fuse;
- 5) Fourteen penny firecrackers;
- 6) Two boxes containing one hundred forty-three rifle primers; and
- 7) Six containers of suspected smokeless powder weighing approximately 4.8 pounds in total;

all of which was seized by the West Virginia State Police on or

about December 24, 2020.

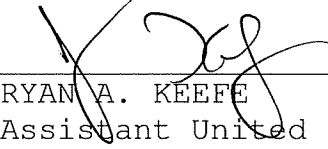
If, as set forth in 21 U.S.C. § 853(p), any property described above, as a result of any act or omission of JOSEPH DAVID BAILEY:

- a. cannot be located upon the exercise of due diligence,
- b. has been transferred or sold to, or deposited with, a third party,
- c. has been placed beyond the jurisdiction of the court,
- d. has been substantially diminished in value, or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

WILLIAM S. THOMPSON
United States Attorney

By:



RYAN A. KEEFE
Assistant United States Attorney